

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA**

**v.**

**RICHARD A. RYDZE,  
JAMES HATZIMBES**

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**Criminal No. 12-262**

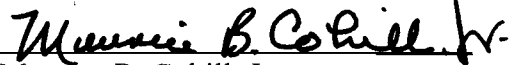
**MEMORANDUM OPINION & ORDER**

Richard Hvizdak, a nonparty movant, has filed a motion to unseal the Search Warrant and related Affidavit of Probable Cause in the above-captioned criminal case. ECF No. 153. Mr. Hvizdak asserts that his motion to unseal is filed in furtherance of a civil action he has filed against the United States seeking damages and/or the return of property he alleges was seized and/or damaged (or destroyed) during the execution of a search warrant on Anew Rx Pharmacy. Hvizdak v. United States, Civ. No. 14-1296. Mr. Hvizdak asserts that he was an investor and part owner of the Anew Rx Pharmacy and had no connection to any alleged criminal activity.

We ordered that the search warrants, applications for search warrants, and affidavits of probable cause for the search warrants in the above-captioned case be placed under seal. ECF No. 56. Although Mr. Hvizdak may enjoy a qualified common law right of access to the search warrants and their supporting affidavits as judicial documents, we find that the government's countervailing interest in keeping the search warrant and related documents under seal outweighs Mr. Hvizdak's presumptive right of access. The sealed material contains extensive sensitive personal information of individuals who are not parties to the

case, information regarding confidential informants, and contains information related to ongoing areas of investigation operations. See Media General Operations, Inc. v. Buchanan, 417 F.3d 424, 430 (4<sup>th</sup> Cir. 2005).<sup>1</sup> Accordingly, we will deny the motion to unseal.

AND NOW, this 1<sup>st</sup> day of April, 2015, it is hereby ORDERED that Richard Hvizdak's Motion to Unseal Search Warrant (ECF No. 153) be and hereby is DENIED.

  
Maurice B. Cohill, Jr.  
Senior United States District Judge

cc:

**RICHARD C. HVIZDAK, pro se**  
110 South Main St.  
Pittsburgh, PA 15220

All attorneys of record *via CM/ECF electronic filing*

Hon. Judge Cathy Bissoon

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<sup>1</sup> We also agree with the government that it is unlikely that the search warrant and supporting documents are necessary or would be at all helpful to reaching a decision on the merits of Mr. Hvizdak's civil claims.